IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.Rev.Pet.No. 611 of 2007()

AGAINST THE ORDER IN CMP.132/2007 IN ST 316 2006
of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

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REVN. PETITIONER: PETITIONER/ACCUSED:

TOM JOSE, THADUNGAL VEEDU,
KAITHAPPOYIL VEEDU, PUTHUPPADI AMSOM DESOM.

BY ADV. SRI.K.A.SALIL NARAYANAN K.A

RESPONDENTS: COMPLAINANT & STATE:

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1. SURESH BABU, S/O.KELAPPAN,
CHERULAKANDI PARAMBU,
YMCA ROAD, KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 611 OF 2007

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Dated this the 13th day of February 2007

O R D E R

The revision petitioner is the accused in S.T. No. 316/06 in the court of Judicial First Class Magistrate-I, Thamarassery. He has sought for getting the order in C.M.P. No. 132/2007 quashed. The grievance is that the court has not permitted him to adduce evidence by summoning a witness and marking a document which is an agreement entered into between him and the person from whom he allegedly borrowed the amount.

2. The trial court dismissed the application on the ground that there was no case that such a document was executed even though PW1 was cross examined and that the agreement is not on the stamped paper.

3. I find that the matter can be disposed of without issuing notice to the respondents/complainant. It appears that evidence sought to be adduced has to be allowed. The merits of the evidence so adduced can be considered by the court later. In the

result, the court below is directed to permit the petitioner/accused to adduce evidence vide C.M.P. No. 132/2007 and dispose of the case at the earliest. The revision petitioner shall appear before the court below on **28.02.2007**.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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